

MAR - 6 2017

CLERK, U.S. DISTRICT COURT
By ANGUS
Deputy

RUSSELL DON JOHNSON
Petitioner

4:16-cv-1067
ECF

LORIE DAVIS, Director
Texas Department of Criminal
Justice Correctional Institutional
Division.

Petitioners Response to Respondent
Davis' ~~Plea~~ Preliminary Answer

Petitioner Johnson, Prose wishes to respond to Director
Davis' preliminary answer, & attempt to have this petition for writ of Habeas
Corpus dismissed as Timebarred.

wishing to respond specifically to Davis' claims on page
5, starting on line 7, contesting that Petitioner was well aware
of illegal cumulation before Dec 8th 2015.

Petitioner was in prison for 17 1/2 years, month after month, receiving
timeslips, which stated 30 years, & a 10 year concurrent sentence. At 15
flat years, the time needed to see parole on 30 years, Petitioner saw parole on
30 year sentence with 10 year concurrent sentence 5 years past completion,
At 17 years, Petitioner saw parole again, on NON-cumulated 30 year sentence
& made parole. 8 days before going home is when petitioners
sentencing "recalculation" was made known, & he was sent back to
Prison, Petitioner was NOTIFIED Jan 7th 2016. The illegal cumulation
was found by TDCJ Dec 8th 2015, & due to


this being the first date in writing that petitioner could secure, Dec 8th 2015 is the date of initial knowledge of sentences being cumulated, & therefore petitioner is within his one year statute of limitations.

Petitioner had a concurrent sentence for 17 1/2 years, & therefore cannot reasonably be rationalized that petitioner would knowingly wait 18 years ~~to~~ to request relief.

Dec 8th 2015 is the factual date when petitioner was first made aware of the Petitioners sentences being illegally cumulated.

Conclusion

Petitioner requests Respondent Davis Preliminary Answer for Timebar be denied and ~~and~~ Respondent be required to answer Petitioners writ.

Respectfully submitted
Russell 

Certificate of Service

A true and correct copy of the above and foregoing has been served By placing it in the united states mail, postage prepaid on Feb 24th 2017

Addressed to:
Casey Solomon
Po Box 12548 capitol station
Austin Tx 78711

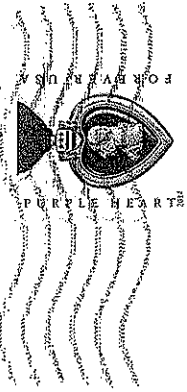
Russell Johnson 855572
Colfield with
266 Fm 2054
Tennessee Colony Tx 755884

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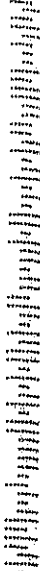
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